



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals


Chairman

5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041

S-L 99-1 9

August 9, 2001

MEMORANDUM TO: Board Members

FROM: Lori L. Scialabba 
Acting Chairman

SUBJECT: Additional Streamlining Categories - Phase III

In addition to the authority already provided in 8 C.F.R. § 3.1 (a)(1) for single Board Members to exercise the authority of the Board of Immigration Appeals, and pursuant to the authority delegated to me in 8 C.F.R. § 3.1(a)(1), I hereby designate the following category of cases to be cases involving "other procedural or ministerial issues" which are appropriate for review and disposition by a single Board Member exercising the authority of the Board of Immigration **Appeals**:

Procedural & Ministerial.

Appeal and Motion cases involving a claim for relief under former section 212(c) of the Immigration and Nationality Act, 8 U.S.C. § 1182(c), in which the disposition is controlled by the United States Supreme Court's decision *INS v. St. Cyr*, ___ U.S. ___, 121 S.Ct. 2271 (June 25, 2001) as follows.

- A. Remands of cases on direct appeal in which 212(c) relief was pretermitted.
- B. Reopening of cases with administratively final orders in which 212(c) relief was pretermitted provided the respondent has not **departed/been removed from** the United States. We will reopen such cases under the *Matter of X-G-W*, Interim Decision 3352 (BIA 1998) exception for **significant** changes **in** the law **if the motion is untimely**.
- C. Denials of motions to reopen in which the respondent pled guilty to an aggravated felony or felonies prior to April 24, 1996, and has served more than five years for such felony or felonies and who would be barred by the terms of 212(c) in effect prior to AEDPA.